

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OLATUNDI L. GIBBS,
Petitioner,

v.

DEBORAH K. JOHNSON, Warden,¹
Respondent.

Case No. [16-cv-03728-DMR](#) (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner who is incarcerated at the Central California Women’s Facility (“CCWF”), has filed this *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the validity of a conviction obtained in the Sacramento County Superior Court. Dkt.

1. Petitioner has filed an *in forma pauperis* application. Dkt. 5.

On July 1, 2016, the Clerk of the Court informed Petitioner that this action has been assigned to the undersigned Magistrate Judge. Dkt. 3. On July 14, 2016, Petitioner consented to magistrate judge jurisdiction. Dkt. 6.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a State which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in California traditionally have chosen to hear

¹ Deborah K. Johnson, the current warden of the prison where Petitioner is incarcerated, has been substituted as Respondent pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

1 petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v.*
2 *Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal.
3 1968). If the petition is directed to the manner in which a sentence is being executed, e.g., if it
4 involves parole or time credits claims, the district of confinement is the preferable forum. *See*
5 Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

6 Here, Petitioner challenges a conviction and sentence incurred in the Sacramento County
7 Superior Court, which is within the venue of the Eastern District of California. *See* 28 U.S.C.
8 § 84. CCWF, the place of Petitioner's confinement, is in Madera County, which is also located in
9 the Eastern District of California. *Id.* Therefore, the United States District Court for the Eastern
10 District of California has jurisdiction over this matter.

12 Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice,
13 this action is TRANSFERRED to the United States District Court for the Eastern District of
14 California. Therefore, the Clerk shall transfer the case forthwith.

16 All remaining pending motions are TERMINATED on this court's docket as no longer
17 pending in this district.

18 IT IS SO ORDERED.

19 Dated: July 22, 2016

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22 DONNA M. RYU
23 United States Magistrate Judge
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OLATUNDI L. GIBBS,
Plaintiff,

v.

NORTHERN DISTRICT OF
CALIFORNIA, SAN FRANCISCO,
Defendant.

Case No. [4:16-cv-03728-DMR](#)

CERTIFICATE OF SERVICE

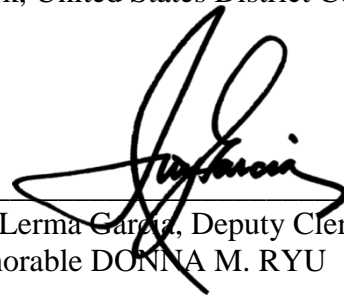
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 25, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Olatundi L. Gibbs ID: Wf0684
P.O. Box 1508
Chowchilla, CA 93610

Dated: July 25, 2016

Susan Y. Soong
Clerk, United States District Court

By: 
Ivy Lerma Garcia, Deputy Clerk to the
Honorable DONNA M. RYU